

# SOUTHERN ILLINOIS UNIVERSITY EDWARDSVILLE

## **2015 ETHICS TRAINING**

A Southern Illinois University Program for: student workers, graduate assistants, non-permanent employees, new employees, re-hire employees, employees returning from leave, and employees completing annual off-line training.

This training course has been developed in accordance with requirements of the *State Officials and Employees Ethics Act* (5 ILCS 430/5-10). It has been developed for this purpose under the direction of the Board of Trustees of the Southern Illinois University.

© Copyright 2015 – The Board of Trustees of Southern Illinois University

This copyrighted material is owned by the Board of Trustees of Southern Illinois University, which reserves all rights to it. Use of this material without the express authorization of the Board of Trustees of Southern Illinois University is prohibited.

## **Introduction to Ethics Training**

The *State Officials and Employees Ethics Act* (5 ILCS 430/5-10) (*Ethics Act*) requires university employees to complete, at least annually, an ethics training program conducted by their university. It also requires that new employees complete ethics training within 30 days of the commencement of employment or appointment. This training program is intended to allow you to meet your obligation to comply with those requirements.

You will be notified by the university each calendar year when you are required to complete annual ethics training. For the purposes of ethics training, employees are defined as individuals who receive a paycheck from the university as well as Board of Trustee members. Employees who do not complete the training as directed may be subject to disciplinary action and those who fail to do so in compliance with the law may face administrative fines by the Illinois Executive Ethics Commission (EEC).

Not only does the law require you to complete ethics training each year, but ethics plays a central role in business and social settings alike, so it is important to understand and demonstrate the highest ethical standards.

### **Training Requirements**

- **New Employees:** If you are a newly hired employee, you must complete this training to satisfy a clause in the law requiring ethics training within 30 days of the commencement of employment. **During the first year of employment, employees must complete the orientation program, in addition to satisfying the annual ethics training requirement.**
- **Seasonal/Temporary Employees:** If you are an undergraduate student worker, extra help employee, or medical resident, this training is approved for your annual use.
- **Permanent Employees (faculty, staff, etc.):** Permanent employees must complete an interactive, online course annually during a designated window. The university Ethics Officer will let you know the dates and whether you are required to complete this course. The version of the training used for undergraduate student workers, extra help, and medical residents is **not** a substitute for the interactive online training provided to permanent employees.
- **University Board of Trustees:** Public university board members must complete an annual training program that is specifically designed for appointees.

*The Office of Executive Inspector General for the Agencies of the Illinois Governor (OEIG) establishes the hours and training frequency and provides standards to guide the development of ethics training programs. Training is overseen by the OEIG and the EEC in consultation with the Office of the Attorney General.*

## **Your University Ethics and Compliance Office**

Each university and every state agency has an ethics officer who serves as the liaison between the institution, the appropriate Inspector General and the EEC.

Some responsibilities of the university Ethics Officer include: developing and/or administering annual ethics training; reviewing the Statement of Economic Interests forms for officers and certain other employees; and providing guidance on interpretation and implementation of the *Ethics Act*. Interpretation of the *Ethics Act* is based on court decisions, Attorney General opinions, and the findings and opinions of the EEC. University Ethics Officer work products are exempt from production in response to *Freedom of Information Act (FOIA)* requests.

The University Ethics Officer is part of the Office of Internal Audit, Compliance and Ethics, which reports functionally to the Board of Trustees and administratively to the University President. The Ethics Officer is located on the Carbondale campus and can be easily contacted at 618-536-3464 or [bjmartin@siu.edu](mailto:bjmartin@siu.edu). For more information on the University Ethics Office, training and other processes, please visit: <http://ethics.siu.edu/>.

### University Ethics Officer

*Brenda Martín,*

**Executive Director of Compliance &  
Ethics  
CIA, CISA**

Brenda was appointed as the Ethics Officer by the University President, effective July 1, 2011. She served as the Assistant Director of Internal Audit at Southern Illinois University from 2009 to 2011. She earned her BS in Accountancy in 2000 and her master's degree in Accountancy in 2001, both from SIUC. Prior to working at SIU, she worked at Deloitte & Touche, SBC and Brown Smith Wallace, all in St. Louis, MO.

## **Executive Ethics Commission / Inspector General**

The EEC is composed of nine appointed commissioners, each serving a four-year term. The EEC's duties include, but are not limited to: conducting administrative hearings on alleged violations of the *Ethics Act*, providing guidance to university Ethics Officers, and overseeing ethics training for all employees of the executive branch of state government.

For additional information about the EEC, visit its website at:  
[www2.illinois.gov/eec](http://www2.illinois.gov/eec).

For university employees, the OEIG serves as the Executive Inspector General. This position is appointed by the Governor of the State of Illinois for a term of five years.

Established in 2003, the OEIG is an independent state agency. Its primary function is to investigate fraud, waste, abuse, and violations of the *Ethics Act* and other laws, rules, and policies in governmental entities. The OEIG investigates allegations of misconduct by the employees, appointees, and elected officials under its jurisdiction. The OEIG also has responsibility for investigating alleged violations by those doing business with entities under its jurisdiction.

The OEIG's jurisdiction includes:

- The governor
- The lieutenant governor
- The board members and employees of and vendors and others doing business with the Regional Transit Boards (i.e., the RTA, the CTA, Metra, and Pace)
- The board members and employees of and vendors and others doing business with the public universities
- All employees of and vendors and others doing business with state agencies and departments of the executive branch of state government, except for those agencies under the jurisdiction of other executive branch constitutional officers, specifically the attorney general, the comptroller, the treasurer, and the secretary of state (other inspectors general have jurisdiction over the four executive branch constitutional officers not under the OEIG's jurisdiction, and the state legislature)

For additional information about the OEIG, visit its website at:  
[www.inspectorgeneral.illinois.gov](http://www.inspectorgeneral.illinois.gov).

## Gift Ban

The gift ban section of the *Ethics Act* is highly relevant in a university environment. As a result of the university's diverse mission, employees at all levels may be presented with gifts (e.g., gratuity, discount, entertainment, hospitality, loan, forbearance, item having monetary value, honoraria related to employment or position, etc.) from a prohibited source.

**Current vendors, along with their spouses and immediate family members living with the vendor, as well as those who seek to do business with the university, are considered to be prohibited sources.**

Current vendors, along with their spouses and immediate family members living with the vendor, as well as those who do business or seek to do business with the university, are considered to be prohibited sources. Further, a prohibited source is any individual or entity that conducts or seeks to conduct business with the university or any other state agency. Most importantly, those seeking official action or who have interests that may be substantially affected by the performance or non-performance of the official duties of a university employee or the university are considered prohibited sources.

You, as well as any member of your immediate family living with you, must abide by the gift ban and the 12 exceptions included within the law when determining whether or not you may intentionally solicit or accept a gift from a prohibited source. Even when a gift is permitted under the *Ethics Act*, you must be aware of the public perception that is created when a state employee or member of his or her immediate family solicits or accepts a gift from a prohibited source.

In order for you to be able to solicit or accept a gift, including outings and food, from a prohibited source, one of the following exceptions must be met. There are four additional exceptions listed in the *Ethics Act*, but the most frequently occurring exceptions are detailed below.

1. The gift is valued at less than \$100 (you can accept less than \$100 in gifts, cumulatively, from a single prohibited source during a calendar year).
2. You pay market value for the gift.
3. The offering is of educational materials and missions and is **all** of the following: classified as one that has a close connection to your employment, predominately benefits the public, furthers the university's mission, and is approved in advance of acceptance, if practical, by the university Ethics Officer. Post acceptance approval is required if advance approval was not practical.
4. The gift is from a relative.

# SOUTHERN ILLINOIS UNIVERSITY EDWARDSVILLE

5. The offering is provided on the basis of personal friendship, not in expectation of an official act.
6. The gift is food and beverage not exceeding \$75 total value in a single calendar day (the food and beverage must be consumed on the premises from which they were purchased, prepared, or catered).
7. The gifts are between university employees, universities or state agencies, or other governmental entities.
8. Bequests, inheritances, and other transfers at death.

A full listing of the exceptions provided within the *Ethics Act* can be found at: [www.ilga.gov/legislation/ilcs/ilcs3.asp?ChapterID=2&ActID=2529](http://www.ilga.gov/legislation/ilcs/ilcs3.asp?ChapterID=2&ActID=2529).

Any gift offered in an effort to influence the official actions of an employee, even if it is permissible by an exception to the gift ban provisions, is inappropriate and possibly illegal and must not be accepted. If in doubt, call your Ethics Officer if you have any questions or concerns regarding a gift.

It is important to note that there may be campus or departmental policies which place greater restrictions on the acceptance of gifts. In addition to the *Ethics Act*, you must also adhere to these policies. University-wide ethics policies can be found at: <http://ethics.siu.edu/>. Employees should refer to their departments for additional policies and procedures.

## **Prohibited Gifts**

If you accept a gift from a prohibited source, you do not violate the law if you promptly do any of the following:

- Return the gift to the giver.
- Donate the gift to an appropriate 501(c)3 charitable organization.
- Make a contribution equal to the value of the gift to an appropriate 501(c)3 charitable organization.

### **Knowledge Check**

Lorelei recently met with a vendor who had flown in from Korea. At the end of their meeting, the vendor gave Lorelei a gift. Knowing the culture in Asia, Lorelei accepted the gift, a ring the local jeweler valued to be worth \$200. Lorelei knows she cannot accept the gift without taking further action. To comply with the gift ban, Lorelei chooses to keep the ring and donate \$200 to the charitable organization where she volunteers.

***May Lorelei donate to a charity where she volunteers?***

- A. Yes, Lorelei can donate to the charitable organization of her choosing.
- B. No, Lorelei must return the gift to the vendor.

*The correct response is A.*

***Explanation of the answer:***

*The Gift Ban provisions of the Ethics Act state that an employee does not violate the Ethics Act if he or she takes reasonable action to return the gift to its source, or give the gift or an amount equal to its market value to an appropriate charity. Since returning the gift may insult the vendor, Lorelei is within the law to make the donation to a charitable organization of her choosing. The charitable organization must be exempt from income taxation under Section 501(c)(3) of the Internal Revenue Code. Lorelei must also ensure that acceptance of this gift does not violate any other applicable laws or rules, including, for example, university policies, which may be more restrictive than the Ethics Act.*

*Though not required by the Ethics Act, it is good business practice, in the event an employee chooses to donate the gift itself, to maintain a tax receipt provided by the charitable organization for record-keeping purposes. In the case of a monetary donation, a copy of the cancelled check, receipt, withholding stub, etc., should also be maintained.*

## **Personnel Policies**

The *Ethics Act* also requires the university to implement personnel policies related to work time requirements, documentation of time worked, documentation of reimbursement for travel for university business, compensation, and accumulation of benefits. As a university employee you are required by law to periodically submit time sheets documenting the time spent each day on official business to the nearest quarter hour. Your department can assist you in explaining the standard practice within your unit. This information must be detailed and truthful. Falsification may be considered fraud and or theft of resources punishable by discipline up to and including termination.

### **Knowledge Check**

The university paid for Amanda to attend a conference, but on the second day, she skipped several conference presentations to tour the city. She figures no one will know she missed any sessions, because she is the only employee from her unit attending the conference.

***Is not attending the scheduled conference sessions a misuse of university resources?***

- A. Yes, since the university paid for her to attend.
- B. No, as long as she attends the key presentations.

*The correct response is A.*

***Explanation of the answer:***

*Since the university paid for Amanda to attend the conference and she is not attending the sessions where she is expected to gain knowledge she can bring back to her university workplace, she is misusing the university resources of time and money. Any time spent on personal endeavors when an employee is expected to be conducting university business would need to be appropriately accounted for through benefit usage reporting, in order to comply with the time reporting requirements.*

## **Truthful Oral and Written Statements**

As a university employee, you must be honest in all communications, regardless of whether they are oral or written. This includes, but is not limited to all work products, documents, conversations, and electronic communications. To avoid violating any law, rule, or policy, or intentionally committing fraud, be sure to fully review and complete your documents. Knowingly providing false, inaccurate, or incomplete information is punishable up to and including termination of employment.

## **Use of State Property and Resources**

University policy and good business practice do not allow for the use of university resources, including both tangible and intangible goods, such as equipment and time, for non-university purposes. In the following two sections, Conflicts of Interest (which include, among other things, second jobs outside the university) and Prohibited Political Activities will be discussed. Though these aspects are highlighted with special distinction in this training program, it is important to remember that any improper use of university property, equipment, or time while working, violates university policy and procedure.



### **Knowledge Check**

While at work, Janice sent an email to her university coworkers, at their university email accounts, inviting them to a jewelry party being hosted at her home. In the communication, Janice also informs the group she will place a catalogue in the break room for anyone to browse through over their uncompensated lunch time.

***Which elements in this situation constitute a misuse of university resources?***

- A. Janice's use of a computer, email, and her time are all considered a misuse of university resources.
- B. None of the elements in the above scenario depict a misuse of university resources.

*The correct response is A.*

#### ***Explanation of the answer:***

*It is considered a misuse of university resources, such as time, email, and equipment, to send a communication related to non-university events that ultimately result in a personal benefit. University work and equipment should be used only for conducting university responsibilities. Employees should consult their university computer usage policies for additional guidelines related to communications using university equipment and networks. It is also a conflict of interest for an employee of the university to use university resources to promote outside income-producing activities, as depicted in this example. These violations of policy should be reported to the university Ethics Officer or the OEIG.*

## **Adherence to Policies**

As employees, it is important to be aware of and review institutional policies related to technology use, telephone use, procurement, hiring practices, and more, to better understand our role as stewards of the university and its resources.

It is important to note that as employees, we are governed by a multitude of state, campus, and departmental policies, and it is our responsibility to become educated in these areas to allow us to make informed decisions in the best interest of the university. More information specific to policies can be found at:

- <http://www.siu.edu/its/policies/law.shtml>
- <http://www.siu.edu/provost/fhb/9-4.shtml>
- <http://www.siu.edu/its/policies/responsibleuse.shtml>

- <http://www.siu.edu/humanresources/ethics.shtml#time>

### **Knowledge Check**

Janice used her university-issued credit card to make various personal purchases, including car supplies, airline tickets, and hotel stays. Due to a lack of monitoring in the departmental accounts, this misuse went unnoticed for a significant period of time. Once the abuse was discovered, Janice's university credit card was cancelled, her authority to make any purchases on behalf of the university was revoked and disciplinary and criminal actions were pursued.

***How did Janice violate university policy?***

- A. Janice abused her authority by using a university-issued credit card to make personal purchases.
- B. Janice misused university funds to make non-university purchases.
- C. Both A and B are correct.

*The correct response is C.*

***Explanation of the answer:***

*Janice used her access to university resources and accounts to make abusive and inappropriate purchases, which represents a misuse of university funds and theft, as well as a violation of university policy.*

## **Conflicts of Interest**

Actual or potential conflicts of interest exist when you have an opportunity to improperly advance your own interests or those of family members or friends above the interests of the University. These conflicts need to be disclosed, according to the appropriate university policy, and adequately managed or avoided. Each potential or actual conflict scenario is unique and employees are advised to thoroughly review the related university policy and consult with designated experts, supervisors, or the university Ethics Officer as necessary.

The Conflict of Interest Policy for employees can be found at:

- [http://www.siu.edu/orp/researchpolicies/pdf/COI\\_Disclosure.doc](http://www.siu.edu/orp/researchpolicies/pdf/COI_Disclosure.doc)
- <http://www.siu.edu/orp/researchpolicies/conflict.shtml>
- <http://www.siu.edu/policies/1q9.shtml>

### **Examples of Conflicts of Commitment and/or Interest:**

- You have or your spouse has a university contract or a significant financial interest in a company doing business with the university.

# SOUTHERN ILLINOIS UNIVERSITY EDWARDSVILLE

- An opportunity for you to advance personally conflicts with the action that would be in the best interest of the university.
- You have a conflicting interest, such as a second position outside of the university that interferes with your ability to satisfy your university duties and responsibilities.
- You abuse your position and authority to divert university business to a private interest or for personal financial gain.

## **Knowledge Check**

Diego's supervisor told him that if he purchased meals and other gifts for him, he would make sure Diego got preferred shifts. Diego really needs to have a set schedule at the university to be able to maintain his second job, so he is considering giving gifts to his supervisor in exchange for his preferred shifts.

***Would the practice of requiring gifts in exchange for scheduling benefits be an abuse of authority and a conflict of interest?***

- A. Yes, this is an abuse of authority and a conflict of interest, in addition to the act being criminal in nature.
- B. No, because the supervisor is in charge of scheduling.

*The correct response is A.*

### ***Explanation of the answer:***

*It is inappropriate for a supervisor to abuse his authority, as well as university resources, for personal gain. A conflict of interest exists when an employee directly or indirectly solicits, accepts, or agrees to accept anything of value to influence job performance. By seeking items of value from subordinates in exchange for a preferred shift, the supervisor is abusing his authority and creating a conflict of interest. Additionally, these acts may also be considered extortion and/or official misconduct, which are criminal acts.*

## **Prohibited Political Activity**

The *Ethics Act* goes into significant detail, listing specific political activities that are prohibited. The basic definition of prohibited political activity includes activities that are in support of or in connection with any campaign for elective office or any political organization, or those activities that are either in support of or in opposition to a referendum question.

University employees may not intentionally perform any prohibited political activity during any compensated time other than vacation, personal, or compensatory time off and they may not intentionally misappropriate any state property or resources (including university property or resources) by engaging in

# SOUTHERN ILLINOIS UNIVERSITY EDWARDSVILLE

any prohibited political activity for the benefit of any campaign for elective office or any political organization or referendum question.

Prohibited political activity includes, but is not limited to: soliciting campaign contributions or votes, assisting at the polls, circulating petitions, and hosting rallies for candidates for elective office. Though these activities are not allowable during compensated time, they are permissible if you are outside of that time and are not using university property or resources, such as, but not limited to, telephones, vehicles, tools, copiers, fax machines, email accounts, and computers.

You may be involved in these types of political activities during your typical work hours if you use vacation, personal, or compensatory time off to perform the activity and do not intentionally misappropriate any state property or resources. Examples of prohibited activities range from things as simple as placing a campaign contribution jar on an office desk for a candidate's fund, to actively soliciting votes for a candidate, or a political party, while on work time. Additionally, the *Ethics Act* states that it is illegal for any supervisor to intentionally misappropriate the services of any university employee by requiring that employee to perform any prohibited political activity as part of their job duties, as a condition of their employment, or during any time off that is compensated by the university (such as vacation, personal, or compensatory time off).

**Prohibited Offer or Promise:** You or a candidate for executive or legislative branch office may not promise anything of value related to university business or state government in consideration for a contribution to a political committee, political party or other entity that has as one of its purposes, the financial support of a candidate for elective office. If you are offered anything of value for your engaging in prohibited activity, such offer must be reported to the university Ethics Officer or the OEIG.

- **What is "anything of value related to university business"?** Examples of this can include job positions or appointments at the university, promotions, salary increases, the award of a contract, title changes, increased paid time off, or other employment benefits.

### **Knowledge Check**

Stephanie noticed a sign in a university academic office window supporting the President of the United States, who has not filed petitions to run in the next election. Below the image, a caption reads, "I support the President," and the sign does not bear any reference to a political party.

***Is posting a sign depicting or expressing support for the President when the President is not a candidate for elective office, a violation of the prohibited political activities section of the Ethics Act?***

- A. Yes, because it is politically related.
- B. No, because it is not supporting a current candidate for a political election.

*The correct response is B.*

#### ***Explanation of the answer:***

*Prohibited political activities include actions in support of or opposition to candidates and ballot questions. Because the President will not be a candidate in the next election, general expressions of support, absent any other reference to political party, rally, candidate, organization, or event, would not constitute prohibited political activity.*

**Contributions on University Property:** Political campaign contributions may not be intentionally solicited, accepted, offered or made on state or university property by public officials, state or university employees, candidates for elective office, lobbyists, or officers, employees or agents of any political organization.

- **What is "state or university property"?**  
Any building or portion of a building owned or exclusively leased by the State of Illinois or the university. This includes an office of the state or university within a privately owned office building.
- **What is NOT "state or university property"?**  
Any portion of a building that is rented or leased from the state or university by a private person or entity is not state or university property. For example, a privately owned restaurant within a state/university building or a private party being held in a part of a state/university building that the private person has rented for the evening would not be considered state or university property.

An inadvertent solicitation, acceptance, offer, or making of a contribution is **not** a violation if reasonable and timely action is taken to return the contribution to its source.

### **Knowledge Check**

Stephanie unintentionally accepted a contribution to a political campaign when a coworker delivered it to her campus office. Though she immediately returned the contribution, Stephanie is concerned she may still have violated the Ethics Act.

***Did Stephanie violate the Ethics Act?***

- A. Yes, because Stephanie accepted a political contribution.
- B. No, because Stephanie did not intentionally accept the contribution and promptly returned the donation.

*The correct response is B.*

***Explanation of the answer:***

*Political contributions cannot be intentionally solicited, accepted, offered, or made by an employee or official on state property, which includes university property. As long as reasonable and timely action is taken to return the contribution to its source, an employee's inadvertent solicitation, acceptance, offer, or making of a contribution is not a violation of the Ethics Act. It is important to note as well, that university resources, including university time, should not be used to participate in prohibited political activities, which would include assisting an employee in returning an inappropriate contribution to its source.*

## **Reporting Violations of Law, Rule, Regulation, or Policy**

If you witness misconduct or have evidence of it, you should report it to the proper authorities.

To report a **non-emergency violation** of law, rule, or regulation, you should contact the OEIG via its **toll-free Hotline** at **866-814-1113**. Questions and/or reports of alleged violations may also be submitted to the OEIG via the Internet at: <http://www.inspectorgeneral.illinois.gov>. For those who require it, the OEIG may also be contacted toll-free via a telecommunications device for the disabled (TDD) at 888-261-2734. Alleged violations may be reported to the OEIG anonymously.

In the event of an emergency situation such as those involving the illegal possession or use of a weapon, you should contact the Illinois State Police or other police agency that can provide the fastest response (for example, by dialing “911”).

### **Knowledge Check**

Vince observed his supervisor of engaging in behavior that he believes violated the *Ethics Act*, but he isn't sure how to proceed.

***What must Vince keep in mind when determining his next steps?***

- A. He has a duty to report violations of the *Ethics Act* and an obligation to cooperate in any future investigations of the behavior.
- B. He is required to report only those violations he can prove.

*The correct response is A.*

***Explanation of the answer:***

*University employees have an ethical duty to report perceived or actual misconduct at the university. It is not up to the employee to make determinations about the seriousness of the misconduct in determining whether or not to report a concern. The Ethics Act requires employees to cooperate with OEIG investigations. Additionally, university policy requires cooperation in both internal and external investigations.*

## **Rights and Responsibilities in Investigations**

University employees who become involved in an investigation conducted by the Executive Inspector General have both rights and responsibilities. As a university employee, you have an obligation to cooperate in such investigations. You must participate in interviews as requested, tell the truth, and not withhold information. Failure to cooperate includes, but is not limited to, intentional omissions and knowing false statements, and is grounds for disciplinary action, including dismissal.

In the course of an investigation, investigators may request information from any person when the information is deemed necessary for the investigation. The Executive Inspector General may issue subpoenas to compel the attendance of witnesses and the production of documents and other items for inspection and copying.

# SOUTHERN ILLINOIS UNIVERSITY EDWARDSVILLE

In particular, the Executive Inspector General may request that any university employee truthfully answer questions concerning any matter related to the performance of his or her official duties. If so requested, no statement or other evidence therefrom may be used against the employee in any subsequent criminal prosecution, unless the employee consents.

Requests for production or viewing of documents or physical objects under state public university control must be made in writing by an Executive Inspector General. If the recipient of such a request believes that the release of the subject matter of the request might violate existing rights under state or federal law, the recipient has the right to seek a determination from the EEC relative to such rights or protections.

As a university employee, you have various additional rights during investigations, including, but not limited to those resulting from EEC rules (2 Ill. Adm. Code Section 1620.300), which specify: If investigators reasonably believe an employee who is the subject of the investigative interview will likely face discipline, the investigators must notify the employee whether the underlying investigation is criminal or administrative in nature.

## **Criminal vs. Administrative Investigations**

If the underlying investigation is administrative in nature, the subject interviewee must be presented a form that outlines the interviewee's rights during the interview, including the right to presence of a union representative, or coworker uninvolved in the investigation.

If the underlying investigation is criminal in nature, the subject interviewee must be presented a form that outlines the interviewee's rights during the interview, including the right to the presence of an attorney, a union representative, or coworker uninvolved in the investigation.

It is the policy of the OEIG that OEIG investigators will present the interviewee with an OEIG form outlining the interviewee's rights unless OEIG investigators reasonably believe at the time of an interview that there are no circumstances under which an interviewee will be subject or likely to face discipline or adverse action.

Investigators may not infringe upon a university employee's right to seek advice from their university Ethics Officer on the interpretation and implementation of the *Ethics Act*, or to seek advice from private legal counsel.

The full text of the rules governing OEIG investigations may be found at the EEC's website: [www2.illinois.gov/eec](http://www2.illinois.gov/eec).



Even with OEIG's authority to request documents, the *Ethics Act* does not absolve the university and its employees from ensuring *Health Insurance Portability and Accountability Act (HIPAA)* and *Family Educational Rights and Privacy Act (FERPA)* sensitive information is appropriately protected. When responding to the OEIG, you should contact your university Ethics Officer with any questions you may have regarding OEIG processes or compliance with state and federal laws, as the university Ethics Officer is the designated liaison between the university and the OEIG.

## **Whistle Blower Protection**

The *Ethics Act*, the *Whistleblower Act*, and university policy, protect employees who, in good faith, report or threaten to report an act or omission they believe to be a violation of law, policy, or procedure.

### **Protected Activities**

The university or an employee of the university cannot retaliate against you for engaging in any of the following protected activities:

- Disclosing or threatening to disclose to a supervisor or a public body, any practice, activity, or policy of a state or university employee or state agency or university that the employee reasonably believes is in violation of a law, rule, or regulation.
- Providing information to or testifying before a public body about any violation of the law, rule, or regulation, by any officer, member of the General Assembly, university or state employee, state agency, or the university.
- Assisting or participating in a proceeding to enforce the *Ethics Act*.

Under the *Ethics Act*, retaliatory action is defined as reprimand, discharge, suspension, demotion, or denial of promotion or transfer, or change in the terms or conditions of employment of any State employee, which is taken in retaliation for involvement in protected activity. It is not retaliation if the employer can demonstrate, by clear and convincing evidence, the same personnel action would have been taken even in the absence of the protected activity.

# SOUTHERN ILLINOIS UNIVERSITY EDWARDSVILLE

Individuals who take retaliatory action against whistle blowers are subject to disciplinary action up to and including discharge by the university, in addition to potential administrative action by the EEC.

Under the *Whistleblower Act*, it is generally unlawful for any employer to retaliate or threaten retaliation for an employee's disclosure of information to a government or law enforcement agency if the employee has reasonable cause to believe that the information discloses a violation of a state or federal law, rule, or regulation.

If an employer retaliates against an employee in violation of the *Whistleblower Act*, the employee may bring a civil action against the employer that may result in:

- reinstatement of employment and seniority rights;
- back pay, with interest; and,
- compensation for any damages including litigation cost, expert witness fees, and reasonable attorney's fees.

## **Knowledge Check**

Diego was called to participate in an investigation, but he did not make the initial report. He's worried if his supervisor finds out about his involvement, he'll be fired.

***Can the supervisor fire Diego for participation in an investigation?***

- A. Yes, Diego is only protected if he made the report.
- B. No, individuals are protected against retaliation for participation in an investigation.

*The correct response is B.*

***Explanation of the answer:***

*Regardless of whether Diego made the whistleblower report or not, he is protected against retaliation for providing information to or testifying before any public body conducting an investigation, hearing or inquiry into any violation of the law, rule or regulation by any state (university) agency or employee. Additionally, the Ethics Act also mandates employees cooperate with investigations, so Diego must participate in the interview.*

## **Official Misconduct**

The Illinois *Criminal Code of 2012* (720 ILCS 5/33-3) indicates that any public officer or employee commits misconduct when, in their official capacity, they:

- Intentionally or recklessly fail to perform a mandatory duty as required by law; or
- Knowingly perform an act which the employee knows to be forbidden by law to perform; or
- Perform an act in excess of the employee's lawful authority with intent to obtain a personal advantage for themselves or another; or
- Solicit or knowingly accept for the performance of any act a fee or reward which the employee knows is unauthorized by law.

Any employee or public officer convicted of violating any provision of this section commits a Class 3 felony.

If anyone attempts to improperly influence your official actions as a state public university employee, especially if there is an attempt to have you or another employee act in a manner that is unlawful or is in violation of university policies, it is your responsibility to immediately report this matter to the appropriate authorities. In certain instances, failure to report a violation, such as a bribe, can place an employee in violation of the law as well.

## **Revolving Door Prohibition**

The Revolving Door Prohibition states that no employee shall within a period of one year immediately after termination of State employment, knowingly accept employment or receive compensation or fees for services from a person or entity if the officer, member, or State employee, during the year immediately preceding termination of State employment, participated personally and substantially in the award of State contracts, or the issuance of State contract change orders, with a cumulative value of \$25,000 or more to the person or entity, or its parent or subsidiary. That provision also applies to spouses and immediate family members living with the State employee.

University employees whose job positions, by nature of their duties, may have the authority to participate personally and substantially in the award of state contracts or in regulatory or licensing decisions, are required to notify the OEIG prior to accepting an offer of non-state employment that they received during their state employment or during the year following their termination of state employment. University employees who fall into that category are instructed in writing by their university Ethics Officer and are required to confirm acknowledgment of those requirements. If you are unsure whether the requirement to seek a determination applies to you, please contact your university Ethics Officer.

# SOUTHERN ILLINOIS UNIVERSITY EDWARDSVILLE

Specific instructions and forms related to the revolving door process for those who are subject to the requirement to seek a determination can be found at: [www.inspectorgeneral.illinois.gov](http://www.inspectorgeneral.illinois.gov).

Please note there is no notification requirement or determination process for the President, Chief Procurement Officer, and members of the Board of Trustees, among others. Due to the nature of their positions, they are strictly prohibited from accepting employment or compensation from persons or entities who were awarded certain contracts or who were the subject of regulatory or licensing decisions by the state employee's agency, regardless of whether the state employee himself or herself participated personally and substantially in those awards or decisions.

If a current or former trustee accepts non-state employment in violation of the revolving door prohibitions, a fine of up to three times the total compensation that would have been obtained may be levied by the EEC.

## **Knowledge Check**

Amanda has been heavily involved in awarding contracts on behalf of the university throughout her career and is planning to retire soon. Upon announcing this decision, she was approached by a vendor. Amanda approved a contract for \$200,000 with this vendor two months back, so the vendor suggests Amanda go into business for herself following retirement, and consult for them on a contractual basis, to avoid the revolving door prohibitions.

***Is the vendor's understanding of the revolving door prohibitions accurate?***

- A. No, Amanda would still have to seek a determination from the OEIG prior to engaging with this firm as a self-employed contractor and the revolving door prohibitions would still apply.
- B. Yes, Amanda could work contractually as a private consultant to avoid the restrictions.

*The correct response is A.*

### ***Explanation of the answer:***

*The EEC's rules indicate that when an employee expects to receive remuneration directly from one or more clients (i.e., self-employment), the employee must submit a list of known clients the employee intends to contract with. Accordingly, Amanda needs to seek a determination from the OEIG prior to receiving compensation or fees for services from each client for one year following her departure from the University.*

## **Statement of Economic Interests**

The Statement of Economic Interests form is a disclosure required by the Illinois *Governmental Ethics Act* to be filed with the Office of the Secretary of State. A select population of Southern Illinois University employees is required to submit this form by May 1<sup>st</sup> annually. The university coordinates this process with the Secretary of State, providing the mailing addresses for all employees who are required to file. Those individuals required to file are notified early each spring via the address provided to the Secretary of State. The *Illinois Governmental Ethics Act* identifies certain categories of individuals who are required to file a Statement of Economic Interests form (Statement), including but not limited to: members of the Board of Trustees; deans, directors, and department heads; persons who have supervisory authority over, or direct responsibility for the formulation of contracts; persons who supervise 20 or more university employees; and employees who have responsibility with respect to the procurement of goods and services.

The *Ethics Act* requires that university Ethics Officers review employee Statements prior to submitting them to the Secretary of State for filing. Please refer to your university Ethics Officer for more detailed filing instructions. You may also refer to Section 4A-101 of the *Illinois Governmental Ethics Act* (5 ILCS 420).

## **Procurement Communications Reporting**

Another requirement of state law, derived from the Illinois *Procurement Code* (30 ILCS 500/50-39), states that employees receiving communications, written or oral, that impart or request material information or make a material argument regarding potential action concerning an active procurement matter (e.g., application, contract, project, or proposal) must report that written or oral communication to the Procurement Policy Board via its website at: [www.illinois.gov/ppb](http://www.illinois.gov/ppb) unless the communication was held in or posted to a public forum (e.g., Illinois Procurement Bulletin).

If you believe you have been involved in a communication with an outside party that requires reporting, please consult your university Ethics Officer to ensure your compliance with the *Illinois Procurement Code*. Further information is available on the University Ethics Office website at:

<http://ethics.siu.edu/procurement.html?submenuheader=6>.

For further instructions related to the reporting process, including instructions for completing the form itself, please visit the Procurement Policy Board's website. The reports will be published for public viewing at: [www.illinois.gov/ppb](http://www.illinois.gov/ppb).

## **Penalties within the Law**

Penalties for violations of ethics-related laws, rules, and policies by university employees are dependent upon the specific circumstances. Penalties may include administrative action up to and including termination of employment. In addition, the EEC may levy administrative fines in the case of violations of the *Ethics Act*. Illegal acts, such as bribery or official misconduct, may result in referrals to the appropriate authorities for criminal prosecution. If you have any questions or concerns, you can always contact your university Ethics Officer.

## **Thank You for your Compliance!**

Thank you for completing your ethics training as required by the *Ethics Act* each calendar year. Please note that continued employment as an undergraduate student worker, extra help employee, or medical resident will require you to complete ethics training **each** calendar year.

To be properly credited for participating in ethics training, please complete and return the signature page to the following address:

Office of Human Resources  
Campus Box 1040 – Rendleman Hall, Room 3210  
Edwardsville, IL 62026-1040

If you have any questions or concerns, please contact the University Ethics Officer, Brenda Martin, at [bjmartin@siu.edu](mailto:bjmartin@siu.edu) or 618-536-3464 or the SIUE Ethics Training Administrator, Stephanie Schroeder at [stschro@siue.edu](mailto:stschro@siue.edu) or 618-650-2190.

SOUTHERN ILLINOIS UNIVERSITY  
EDWARDSVILLE

# SOUTHERN ILLINOIS UNIVERSITY EDWARDSVILLE

I certify that I have carefully read and reviewed the content of, and completed the

**2015**

**Southern Illinois University Training Program for: Student Workers, Graduate Assistants, Non-Permanent Employees, New Employees, Re-hire Employees, Employees Returning from Leave and Employees Completing Annual Off-Line Training.**

Furthermore, I certify that I understand my failure to comply with the laws, rules, policies, and procedures referred to within this training course may result in disciplinary action up to and including termination of state employment/appointment, administrative fines, and possible criminal prosecution, depending on the nature of the violation.

**Name:** \_\_\_\_\_  
(print: last name, first name, middle initial)

**Signature:** \_\_\_\_\_

**Today's Date:** \_\_\_\_\_

**Date of Birth:** \_\_\_\_\_  
(mm/dd)

**Banner ID (800#):** \_\_\_\_\_

To be completed by Office Personnel Only  
Please indicate reason for completing training

Student Worker (ET)  Graduate Assistant (ET)

New Hire (E2)  Re-Hire(E3)  Annual Off-Line Training(E4)

To be properly credited for participating in ethics training, please complete and return the signature page to the following address:

Office of Human Resources  
Campus Box 1040 – Rendleman Hall, Room 3210  
Edwardsville, IL 62026-1040

© Copyright 2015 – The Board of Trustees of Southern Illinois University

This copyrighted material is owned by the Board of Trustees of Southern Illinois University, which reserves all rights to it. Use of this material without the express authorization of the Board of Trustees of Southern Illinois University is prohibited.